

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JUSTIN L. TRIPP,

Plaintiff(s),

v.

CLARK COUNTY, et al.,

Defendant(s).

Case No. 2:17-CV-1964 JCM (BNW)

ORDER

Presently before the court is the magistrate judge's report and recommendation. (ECF No. 164).

The magistrate judge has recommended that this court deny plaintiff's motion to amend to the extent that he seeks to add a request for injunctive relief to "Remove the Hitching Post(s) from CCDC booking areas, and alter policy to incorporate new training guidelines so that no future inmate will be subjected to being attached to benches, walls, cells, bars, immovable objects, or any other 'Hitching Posts' that CCDC may have been using wrongly" and a request for injunctive relief to "Pay for any and all future surgeries or complications that may arise out of this surgery." (ECF Nos. 147-1, 164).

Defendants have filed an objection, (ECF No. 174), but it is unrelated to the magistrate judge's above-mentioned recommendation. Here, this court examines only this recommendation in light of the pending motion for reconsideration on other aspects of the magistrate judge's ruling. (ECF No. 168).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo

1 determination of those portions of the [report and recommendation] to which objection is made.”
2 28 U.S.C. § 636(b)(1).

3 Where a party fails to object, however, the court is not required to conduct “any review at
4 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149
5 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
6 magistrate judge’s report and recommendation where no objections have been filed. *See United*
7 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
8 employed by the district court when reviewing a report and recommendation to which no
9 objections were made).

10 Nevertheless, this court has conducted a *de novo* review to determine whether to adopt the
11 recommendation of the magistrate judge. Upon reviewing the recommendation and attendant
12 circumstances, this court finds good cause to adopt the magistrate judge’s recommendation in full.
13 (ECF No. 164).

14 Accordingly,

15 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Judge Weksler’s R&R
16 (ECF No. 164) be, and the same hereby is, ADOPTED.

17 DATED January 11, 2021.

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20 UNITED STATES DISTRICT JUDGE
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